

Ball, Stephen

From: Ball, Stephen
Sent: Monday, August 13, 2018 11:45 AM
To: Mednick, Richard; Pavitt, John; Sheldrake, Beth; Rees, David; MacIntyre, Mark
Cc: Leefers, Kristin
Subject: Burley asbestos site inspection and Tibbets conversation

All,

On Friday I travelled to the Burley Asbestos site to verify a report from the Cassia County Sherriff that water was not being applied to the site. When I arrived around the 6:30pm timeframe I observed that the water was not on and the debris appeared very dry. I followed up with the Sherriff and he said that his observations were that water has not been applied to the site for several weeks and that he drives by the site often noticing that it is not on. Several months ago I spoke to Tibbets about keeping the site adequately wet after receiving a complaint from the neighboring real estate company that the water was not on. He said he was only watering at night and I said it must be watered often enough to keep the surface of the pile damp.

I just spoke to Mr. Tibbetts at 1030 am today. In a voice message earlier this morning he informed me that he has the sprinklers on a timer and they come on between 2 and 5. He did not specify am or pm. During our conversation today I said that based on my inspection on Friday that the pile is not being kept adequately wet. The pile appeared dry when I observed it and that is not an adequate stabilization measure. I reminded him of a conversation that we had previously when I received a complaint from the neighboring real estate business a few months ago. At that time he told me he was watering the debris at night. I explained at that time that he did not have to apply water 24/7 but he must apply it frequently enough to maintain a wet or damp surface at all times. During today's conversation I said that since the pile was not being kept adequately wet, it was not stabilized and I was prepared to respond immediately to stabilize it and initiate a clean-up however I needed access to do so. He again asserted that by giving me access he would be risking being in violation with the CID preservation of evidence order that is in place and could not sign our access agreement. He was aware that we could get court ordered access and advised me to do so since he would not be able to sign the agreement. My continued reply was that our collective attorneys would need to sort this matter.

Thanks,
Stephen Ball
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